

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

LANDRY'S RESTAURANTS, INC.,

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Plaintiff,

§

v.

§

POST ADVISORY GROUP, L.L.C., *et al.*,

§

Defendants.

§

CIVIL ACTION NO. G-07-406

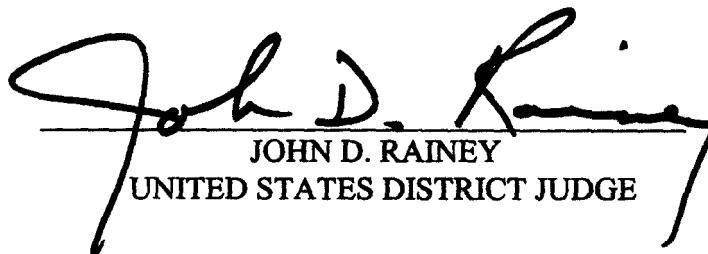
ORDER

On October 23, 2007, Magistrate Judge John Froeschner granted Galveston County Daily News' ("Daily News") Plea in Intervention to allow the Daily News to intervene in this case for the purpose of obtaining a transcript of the in-court testimony given by Tilman Fertitta during an injunction hearing before the District Court on August 16, 2007. (Dkt. #69) The District Court previously sealed the record in the case and denied Daily News' Motion to Unseal the record finding it would be improper to unseal the record in the absence of an intervention by the Daily News. (Dkt. #58) Daily News subsequently filed its Plea in Intervention. Upon granting the plea, Judge Froeschner ordered that the transcript be maintained under seal to be available for review by the District Court if and when the Daily News re-urges its motion to unseal the record. The Daily News' instant motion re-urging its motion to unseal the record is before this Court. (Dkt. #71)

After an in camera review of the transcript of Tilman Fertitta's testimony from August 16, 2007, the Court finds no reason to continue to seal the record and restrict access to the transcript from the Daily News. Thus, the record shall be unsealed and the transcript of Tilman Fertitta's testimony shall be available for review to the Daily News three (3) days from the date of this Order.

It is so ORDERED.

SIGNED this 11<sup>th</sup> day of December, 2007.

  
JOHN D. RAINY  
UNITED STATES DISTRICT JUDGE